

## **REMARKS**

### **I. Status of Claims and Arguments**

Reconsideration and allowance of the above-identified application is respectfully requested. Upon entry of this Amendment, claims 1-18 will be pending. Claims 1, 6 and 17 are independent and claims 17 and 18 are new. Applicant kindly thanks the Examiner for the indication of allowable subject matter in claims 2-5 and 9-16. Newly added claim 17 corresponds to originally filed claim 15 rewritten in independent form including all of the limitations of originally filed claim 6 and should therefore be allowable.

The Examiner has objected to the abstract because line 4 includes the word "comprises". Applicant has amended the abstract to replace the word "comprises" with the word "includes". It is respectfully requested that the objection to the abstract be withdrawn.

The Examiner has rejected claims 9, 12 and 15 under 35 U.S.C. §112, second paragraph, as comprising terms that lack antecedent basis. Regarding claims 12, Applicant has amended the claim to recite "a surface temperature Temp" instead of "the surface temperature Temp" and "a target surface temperature Tt" instead of "the target surface temperature Tt". The rejection of claim 12 under 35 U.S.C. §112, second paragraph is deemed to be overcome by the amendment. Regarding claims 9 and 15, the term "the fusing roller" does not lack antecedent basis as the term "a fusing roller" is found in claim 6. It is respectfully requested that the rejections of claims 12 and 15 under 35 U.S.C. §112, second paragraph be withdrawn.

The Examiner has rejected claims 1 and 6-8 under 35 U.S.C. §103(a) as being unpatentable over SERIZAWA (US 6,634,817 B2) in view of SATOH et al. (US 5,504,567 A) and OTSUKA (US 2003/0218769 A1). Applicant has amended independent claims 1 and 6 to more clearly recite the limitations claimed in the present invention. Specifically, the independent claims have been amended to recite that the time to drive the heater is based on at least a time when a sheet of printing paper is fed by the paper feeding part. Amended claim 1 is representative. It recites a fusing system of an image forming apparatus comprising: a fusing unit having a fusing roller and a heater for heating the fusing roller; a fusing temperature control unit having a paper feeding part having at least one of a pickup roller for picking up a sheet of printing paper and a paper jam sensor; a sensor part for sensing a surface temperature Temp of

the fusing roller; and a controller for determining whether it is time to drive the heater for heating the fusing roller of the fusing unit, wherein the time to drive the heater is based on at least a time when a sheet of printing paper is fed by the paper feeding part, and driving the heater when it is time to drive the heater.

None of the cited prior art teaches that the time to drive the heater is based on at least a time when a sheet of printing paper is fed by the paper feeding part. By not citing either SERIZAWA or SATOH et al. as disclosing that the time to drive the heater is based on at least a time when a sheet of printing paper is fed by the paper feeding part, the Examiner implies that the subject matter is taught by neither SERIZAWA nor SATOH et al. Upon review of SERIZAWA and SATOH et al., Applicant agrees that neither SERIZAWA nor SATOH et al. disclose that the time to drive the heater is based on at least a time when a sheet of printing paper is fed by the paper feeding part. The Examiner did cite paragraphs 39 and 45 in OTSUKA as disclosing "software for energization of the heater 16 includes data on a condition (energization start condition) for determining energization start timing." However, the limitation of claim 1 at issue goes beyond merely having data on an energization start condition. Specifically, claim 1 calls for the time to drive the heater being based on at least a time when a sheet of printing paper is fed by the paper feeding part. OTSUKA does not disclose what the energization start condition is based on. Moreover, even if OTSUKA could somehow be construed as as teaching that its energization start condition is triggered on some event, OTSUKA does not teach that the determination of energization start condition would be based on at least a time when a sheet of printing paper is fed by the paper feeding part. Accordingly, reconsideration and allowance of claims 1 and 6 is respectfully requested.

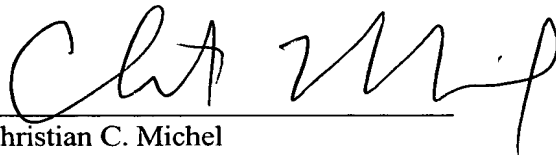
Claims 2-5 and 7-16 are dependent claims that were amended to more clearly recite the limitations claimed in the present invention and to be made consistent with the amended independent claims from which they depend. Claims 2-5 and 7-16 provide greater details of the applicant's inventions of claims 1 and 6. Therefore, in view of the above arguments with respect to claims 1 and 6, the rejection of claims 2-5 and 7-16 are also respectfully requested to be withdrawn.

Appl. No. 10/765,068  
Amdt. dated January 4, 2006  
Reply to Office Action of October 6, 2005

## II. Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cht Michel', written over a horizontal line.

Christian C. Michel  
Reg. No. 46,300  
Attorney for Applicant

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Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-2680  
Main: (202) 659-9076  
Direct: (202) 530-7372